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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

KELLIE DEITS, individually and on :
behalf of all others similarly situated, :

Plaintiff, :

v. :

ROCKET MORTGAGE, LLC :

Defendant. :

Case No.:

JURY TRIAL DEMANDED

/

CLASS ACTION COMPLAINT

Plaintiff, Kellie Deits, individually and on behalf of all others similarly situated, through her undersigned counsel, complains against Defendant Rocket Mortgage, LLC (“Defendant” or “Rocket Mortgage”) as follows:

I. NATURE OF ACTION

1
2 1. As the Supreme Court has noted, “Americans passionately disagree about many
3 things. But they are largely united in their disdain for [telemarketing calls].” *Barr v. Am. Ass’n of*
4 *Political Consultants*, 140 S. Ct. 2335, 2343 (2020). “For nearly 30 years, the people’s
5 representatives in Congress have been fighting back.” *Id.* Among Congress’ efforts was the
6 enactment of the Telephone Consumer Protection Act of 1991, commonly referred to as the
7 TCPA. *See id.*

9 2. Rocket Mortgage, LLC, formerly Quicken Loans, LLC, is an American mortgage
10 lender, headquartered in Detroit, Michigan. In January 2018, the company became the largest
11 overall retail lender in the U.S. (it is also the largest online retail mortgage lender).
12

13 3. To promote its business and to generate leads for its mortgage related products
14 and services, Rocket Mortgage conducted (and continues to conduct) a nationwide telemarketing
15 campaign.

16 4. Unfortunately for Plaintiff and other members of the class proposed herein,
17 Rocket Mortgage places repeated, unsolicited, telephone calls to persons who have told it to stop
18 calling.

19 5. Here, Defendant made numerous such telemarketing calls to Plaintiff even after
20 she demanded that she not be contacted again in violation of federal law prohibiting such
21 practice.

22 6. Plaintiff brings this suit seeking injunctive relief, requiring Defendant to stop
23 placing unsolicited telemarketing calls to residential and cellular telephone numbers of persons
24 who had requested that such numbers be placed on the company’s do-not-call list, as well as an
25 award of statutory damages and costs.
26
27
28

II. JURISDICTION AND VENUE

7. This Court has federal question subject matter jurisdiction over this action under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

8. This Court has personal jurisdiction over Defendant, and venue is proper in this District under 28 U.S.C. § 1391(b) because Plaintiff resides in this District and received the offending calls in this District.

III. PARTIES

9. Plaintiff Kellie Deits is a resident and domiciliary of Phoenix, Arizona.

10. Defendant Rocket Mortgage, LLC, is a Michigan limited liability company with its principal place of business in Detroit, Michigan. Defendant.

IV. TCPA BACKGROUND

11. Title 47 C.F.R. § 64.1200(d) requires businesses who engage in telemarketing to maintain a do-not-call list for people who request not to be called for telemarketing purposes. *See also In re Rules and Regulations Implementing the TCPA of 1991*, 7 FCC Rcd. 8752, 8765 (1992) (“[T]he company-specific do-not-call list alternative is the most effective and efficient means to permit telephone subscribers to avoid unwanted telephone solicitations.”).

12. The regulations include a set of minimum requirements for such businesses, including that the business “must record the request [to opt out of telemarketing calls] and place the subscriber's name, if provided, and telephone number on the do-not-call list at the time the request is made.” *Id.* § 64.1200(d)(3).

1 21. Before the above-described call was terminated, Plaintiff requested that she not be
2 contacted again.

3 22. Notwithstanding the above request not to be called, Defendant or someone acting
4 on its behalf placed telemarketing calls to her phone repeatedly, sometimes calling several times
5 a day.
6

7 23. Ignoring her request not to be contacted, Defendant called Plaintiff at least 27
8 more times over the next 10 days. These subsequent calls came from the same telephone number
9 (844-972-1985) as the first call she received during which she instructed the caller to not call
10 again.
11

12 24. Calls made to the telephone number from which Plaintiff received the above-
13 referenced calls (844-972-1985) are answered with a recorded greeting that begins, “Thank you
14 for calling Rocket Mortgage. All calls are monitored and recorded for quality assurance
15 purposes, and we comply with all requests to opt out of our calls. Visit our privacy policy for our
16 data practices.”
17

18 25. The calls Plaintiff received were for the purpose of promoting its mortgage
19 business.

20 **VI. CLASS ACTION ALLEGATIONS**

21 26. Plaintiff incorporates by reference all other paragraphs of this Complaint as
22 though fully stated herein.

23 27. As authorized by Rule 23(b)(2) or (b)(3) of the Federal Rules of Civil Procedure,
24 Plaintiff brings this action on behalf of the Class defined herein.
25

26 28. Plaintiff proposes the following Class definitions, subject to amendment as
27 appropriate:
28

1 All residential telephone subscribers who received more than one
2 telemarketing call within a 12-month period from Rocket
3 Mortgage (or another person or entity calling on its behalf) within
four years after requesting Rocket Mortgage not call them.

4 Excluded from the Class are counsel, Defendant, any entities in which Defendant has a
5 controlling interest, Defendant's agents and employees, any judge to whom this action is
6 assigned, and any member of such judge's staff and immediate family.

7 29. Plaintiff is a member of and will fairly and adequately represent and protect the
8 interests of the Class as she has no interests that conflict with any of the Class members.
9

10 30. Plaintiff and all members of the Class have been harmed by the acts of Defendant,
11 including, but not limited to, the invasion of their privacy and the intrusion on their telephone
12 that occupied it from receiving legitimate communications.

13 31. Members of the Class are identifiable through Defendant's dialer records, other
14 telephone records, and telephone number databases.

15 32. Plaintiff does not know the exact number of Class members but reasonably
16 believes Class members number, at minimum, in the hundreds given the number of complaints
17 Defendant has received and the nationwide scale of its business.
18

19 33. The joinder of all Class members is impracticable due to their number and
20 geographic diversity.
21

22 34. Additionally, the disposition of the claims in a class action will provide
23 substantial benefit to the parties and the Court in avoiding a multiplicity of identical suits.

24 35. There are well defined, nearly identical questions of law and fact affecting all
25 parties. The questions of law and fact, referred to above, involving the Class claims predominate
26 over questions that may affect individual Class members.
27
28

1 36. There are numerous questions of law and fact common to Plaintiff and to the
2 proposed Class, including but not limited to the following:

3 a. Whether Rocket Mortgage made multiple telephone calls to Plaintiff and
4 members of the Class;

5 b. Whether Rocket Mortgage's conduct constitutes a violation of the TCPA;
6 and
7

8 c. Whether members of the Class are entitled to treble damages based on the
9 willfulness of Rocket Mortgage's conduct.

10 37. Plaintiff's claims are typical of the claims of the Class. Plaintiff's claims, like the
11 claims of the Class, arise out of the same common course of conduct by Defendant and are based
12 on the same legal and remedial theories.

13
14 38. Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has
15 retained counsel with substantial experience in prosecuting complex litigation and class actions,
16 and especially TCPA class actions. Plaintiff and her counsel are committed to vigorously
17 prosecuting this action on behalf of the other members of the Class and have the financial
18 resources to do so. Neither Plaintiff nor her counsel have interests that are contrary to or that
19 conflict with those of the proposed Class.
20

21 39. Common questions of law and fact predominate over questions affecting only
22 individual Class members, and a class action is the superior method for fair and efficient
23 adjudication of the controversy. The only individual question concerns identification of Class
24 members, which will be ascertainable from records maintained by Defendant and/or its agents.
25

26 40. A class action is the superior method for the fair and efficient adjudication of this
27 controversy. The interest of individual members of the Class in individually controlling the
28

1 prosecution of separate claims against Defendant are small because the damages in an individual
2 action for violation of the TCPA are small. Management of these claims is likely to present
3 significantly fewer difficulties than are presented in many class claims. Class treatment is
4 superior to multiple individual suits or piecemeal litigation because it conserves judicial
5 resources, promotes consistency and efficiency of adjudication, provides a forum for small
6 claimants, and deters illegal activities. There will be no significant difficulty in the management
7 of this case as a class action.
8

9 41. Defendant has acted on grounds generally applicable to the Class, thereby making
10 final injunctive relief and corresponding declaratory relief with respect to the Class appropriate
11 on a classwide basis.
12

13 VII. CAUSE OF ACTION

14 Count I

15 **(Violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* and 47** 16 **U.S.C. § 64.1200(d)(3))**

17 42. Defendant violated 47 U.S.C. § 227 by making, or having its agent make, more
18 than one telemarketing calls within a 12-month period to Plaintiff and members of the Class in
19 violation of the requirements of 47 C.F.R. § 64.1200(d)(3).
20

21 43. As a result of the Defendant's violations of 47 U.S.C. § 227, *et seq.*, Plaintiff and
22 National Do-Not-Call Registry Class members are entitled to an award of up to \$500 in statutory
23 damages for each and every violation of the statute, pursuant to 47 U.S.C. § 227(c)(5).
24

25 44. Plaintiff and the Class members are also entitled to and do seek injunctive relief
26 prohibiting the Defendant from making telemarketing calls to their residential numbers in
27 violation of their request not to be called.
28

45. The Defendant's violations were knowing or willful.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for the following relief:

A. Injunctive relief prohibiting Defendant from making telemarketing calls to residential telephone numbers notwithstanding the request of Plaintiff and the Class that they not be called;

B. That the Court enter a judgment awarding Plaintiff and all Class members the statutory damages, including treble damages, allowed under 47 U.S.C. 227(c)(5)(B); and

C. An order certifying this action to be a proper class action pursuant to Federal Rule of Civil Procedure 23, defining the Class as the Court deems appropriate, finding that Plaintiff is a proper representative of the Class, and appointing the lawyers and law firms representing Plaintiff as counsel for the Class; and

D. Such other and further relief as the Court deems just and proper.

IX. JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Date: November 13, 2023

Respectfully submitted,

/s/ Trinet G. Kent

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